

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JARRED JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO.: 3:12-cv-00186</b>
<b>v.</b>	)	<b>District Judge Trauger</b>
	)	
	)	
<b>TRUCAP REO CORP.,</b>	)	<b>Removed from the Chancery</b>
<b>MARIX SERVICING, and WEISS</b>	)	<b>Court for the 21<sup>st</sup> Judicial</b>
<b>SPICER CASH, PLLC</b>	)	<b>District of Tennessee</b>
	)	<b>(Williamson County)</b>
<b>Defendants.</b>	)	<b>No. 40536</b>
	)	

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**MOTION OF MARIX SERVICING, LLC & TRUCAP REO CORP.  
TO DISMISS**

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COME NOW Defendants Marix Servicing, LLC (“**Marix**”) and Trucap Reo Corp. (“**Trucap**”) (collectively, the “**Defendants**”), by and through their undersigned counsel, under the authority contained in Federal Rule of Civil Procedure 12(b), and move to dismiss the “**Complaint**” (the “**Complaint**” or “**Compl.**”) filed by the Plaintiff, Jarred Johnson (“**Plaintiff**”) in this action. In support of this Motion to Dismiss, Defendants submit herewith their Memorandum

of Law containing argument and citation of authorities. Defendants respectfully pray for the following relief:

- (A) That Plaintiff's prayers for relief be denied;
- (B) That Plaintiff's Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted;
- (C) That all costs of this civil action be charged against Plaintiff; and
- (D) That the Court grant such other and further relief as this Court deems just and proper.

**RESPECTFULLY SUBMITTED** this 15th day of February, 2012.

Respectfully submitted,

**BONE McALLESTER NORTON PLLC**

/s/ William J. Haynes, III

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*Counsel for Defendants, Trucap Reo Corp.  
and Marix Servicing, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the within and foregoing **DEFENDANTS' MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system that will automatically send e-mail notification of such filing to the attorneys of record, each of whom is a registered participant in the Court's electronic notice and filing system and each of whom may access said filing via the Court's CM/ECF system, and/or first-class U.S. Mail, postage prepaid, to:

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This 15<sup>th</sup> day of February, 2012.

By: /s/ William J. Haynes, III